

APPENDIX A

United States Court
Southern District of Texas
FILED

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF TEXAS

JUL 03 2012

David J. Bradley, Clerk of Court

IN THE MATTER OF THE APPLICATION)
OF THE UNITED STATES OF AMERICA)
FOR AN ORDER PURSUANT TO 18 U.S.C.)
SECTION 2703(d) DIRECTING)
TO PROVIDE HISTORICAL CELL)
SITE LOCATION RECORDS)

C-12-670M
(UNDER SEAL)

**APPLICATION FOR COURT ORDER COMMANDING PRODUCTION OF
HISTORICAL RECORDS, PRECLUDING NOTICE, AND SEALING MOTION**

The United States of America, through its attorneys, Kenneth Magdison, United States Attorney, and Lance Duke, Assistant United States Attorney, hereby moves this Court pursuant to 18 U.S.C. Section 2703(c) and 2703(d) for an order: (1) requiring a provider of electronic communication service within the meaning of 18 U.S.C. Section 2510(15), to disclose to the United States Attorney's Office and to any and all transactional records (including, but not limited to, call detail records for the interconnect service and dispatch service, and subscriber information, whether published or non-published) pertaining to any and all local and long distance calls originating, terminating, or conducted, through the following:

Precluding the provider of such service from disclosing to the subscribers or customers or to any other unauthorized person this request, any court order issued in connection with this request, the fact of disclosure of such records to the requesting governmental entities or the existence of this

investigation, pursuant to 18 U.S.C. Section 2705(b); and (3) sealing the government's application, the Court's order, and any related documents.

In support of this application, the undersigned states as follows:

1. The undersigned is an attorney for the government as defined by Rule 1(b) of the Federal Rules of Criminal Procedure and, therefore, pursuant to 18 U.S.C. Section 2703(c) may apply for an order as requested herein.

2. Applicant certifies that the _____ is conducting a criminal investigation involving

WHEREFORE, applicant requests the Court to enter the attached Order, requiring a provider of electronic communication service within the meaning of 18 U.S.C. Section 2510(15), to disclose to the United States Attorney's Office and to _____ any and all transactional records (including, but not limited to, call detail records for the interconnect service and dispatch service, and subscriber information, whether

published or non-published) pertaining to any and all local and long distance calls originating, terminating, or conducted, through:

Precluding the provider of such service from disclosing to the subscriber or customers or to any other unauthorized person this request, any court order issued in connection with this request, the fact of disclosure of such records to the requesting governmental entities or the existence of this investigation, pursuant to 18 U.S.C. Section 2705(b); and (3) sealing the government's application, the Court's Order (except for a copy of the Order to be served by facsimile on and any related documents until the government seeks to unseal those documents (or any other such period that the Court deems appropriate).

The foregoing is based on information provided to me in my official capacity by agents of

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief, and that this declaration was executed on this 3rd day of July, 2012.

A handwritten signature in black ink, appearing to read 'Lance Duke', written over a horizontal line.

Lance Duke
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ORDER

This matter having come before the Court pursuant to an application under Title 18, United States Code, Section 2703(c), which application requests the issuance of an order under Title 18, United States Code, Section 2703(d) directing an electronic communications service, to disclose any and all transactional records (including, but not limited to, call detail records for the interconnect service and dispatch service, and subscriber information, whether published or non-published) pertaining to any and all local and long distance calls originating, terminating, or conducted, through:

IT APPEARING that the information sought is relevant and material to an ongoing criminal investigation, and that prior notice of this investigation, this application, or this Order to any person would seriously jeopardize the investigation;

IT IS ORDERED pursuant to Title 18, United States Code, Section 2703(d) that
will, within fourteen days of the date of this Order, turn over to :

in an electronic form requested by the agent, any and all transactional records (including, but not limited to, call detail records for the interconnect service and dispatch service, and subscriber information, whether published or non-published) pertaining to any and all local and long distance calls originating, terminating, or conducted, through:

IT IS FURTHER ORDERED that the application and this Order are sealed until otherwise ordered by the Court, except the government may provide a copy of the Order to _____ shall not disclose the existence of the investigation, the application, or this Order to the listed subscriber or to any other person, unless and until authorized to do so by the Court.

SO ORDERED:

Date: _____

Brian L. Owsley
United States Magistrate Judge
United States District Court